

3786 Receipt 3700

Patent  
VM7010755001  
(267/032)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Majid L. Riazat et al.

Serial No.: 09/940,679

Filed: August 27, 2001

For: APPARATUS AND SYSTEM FOR  
POSITIONING A PATIENT

)  
) **Group Art Unit:** Not Yet Assigned

)  
) **Examiner:** Not Yet Assigned

)  
) **Publication No.** 2002/0023652 A1

RECEIVED

DEC 31 2003

TECHNOLOGY CENTER R3700

REQUEST FOR CORRECTED FILING RECEIPT

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

The above-identified patent application was filed in the United States Patent and Trademark Office on August 27, 2001. However, Applicant has become aware that the preliminary amendment, initially filed along with the application, was overlooked prior to its publication on February 28, 2002. Both the Filing Receipt, mailed October 10, 2001, and the Notice of Publication of Application, mailed February 28, 2002, from the U.S. Patent and Trademark Office, fail to incorporate this amendment for the above-identified application. Particularly, Applicant notes that the title and the number of drawings on the October 20, 2001 Filing Receipt are incorrect.

In contacting the Office of Initial Patent Examination on December 4, 2003, to inquire about the status of this application, Applicant brought to the attention of Ms. Monica Young of the OIPE that more than likely the Preliminary Amendment was overlooked. Ms. Young concurred, and consequently faxed a Corrected Filing Receipt (Exhibit A), reflecting the accurate title for U.S. Serial No. 09/940,679. She mentioned that the Patent and Trademark Office only scanned the 7 sheets of the formal drawings, but not the 10 sheets of informal drawings.

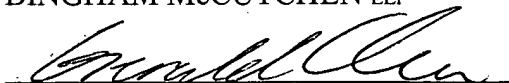
Applicant hereby requests another Corrected Filing Receipt, which acknowledges the 10 sheets of informal drawings (16 Figs.) submitted with the application. Exhibit B includes our application transmittal (Filing Under 37 CFR § 1.53(b) showing that 10 informal drawings were submitted on August 27, 2001, as well as the 7 sheets of formal drawings of the parent. Copies of both sets of drawings are also attached as Exh. C.

Should you need to reach me for further questions, please e-mail me at gerald.chan@bingham.com, or contact me at the telephone, giving below.

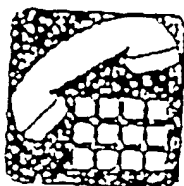
Dated: 12/15/03

BINGHAM McCUTCHEN LLP  
Three Embarcadero, Suite 1800  
San Francisco, CA 94111-4067  
(650) 849-4960

Respectfully submitted,  
BINGHAM McCUTCHEN LLP

By:   
Gerald Chan  
Reg. No. 51,541

U.S. Department of Commerce  
Patent and Trademark Office  
Office of Initial Patent Examination (OIPE)



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DATE: Dec 4, 03SEND TO: Carolyn TobiasFax Number: 650-849-4800

Office Telephone Number: \_\_\_\_\_

FROM: M. YoungFax Number: 703-746-6617

Office Telephone Number: \_\_\_\_\_

Pages Sent (Including cover sheet) 3



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
09/940,679	08/27/2001	3736	710	267/032	7	20	3

23639  
BINGHAM, MCCUTCHEN LLP  
THREE EMBARCADERO, SUITE 1800  
SAN FRANCISCO, CA 94111-4067

CONFIRMATION NO. 5559

## CORRECTED FILING RECEIPT



\*OC000000011425123\*

Date Mailed: 12/05/2003

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

## Applicant(s)

Majid L. Riazat, San Jose, CA;  
Marcel Marc, San Jose, CA;  
Stanley Mansfield, Sunnyvale, CA;  
Hassan Mostafavi, Los Altos, CA;

## Domestic Priority data as claimed by applicant

This application is a DIV of 09/178,385 10/23/1998 PAT 6,279,579

## Foreign Applications

If Required, Foreign Filing License Granted: 10/09/2001

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

## Title

Apparatus and system for positioning a patient

Preliminary Class

128

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**LICENSE FOR FOREIGN FILING UNDER  
Title 35, United States Code, Section 184  
Title 37, Code of Federal Regulations, 5.11 & 5.15**

**GRANTED**

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

**NOT GRANTED**

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No.: 267/032  
First Named Inventor: Majid Raiziat et al.  
Prior Application Information:  
Serial No. 09/178,385  
Examiner: Unknown  
Art Unit: 3736

Assistant Commissioner for Patents  
Box Patent Application  
Washington, D. C. 20231

FILING UNDER 37 CFR § 1.53(b)

This is a request for filing for a

☐ continuation ☒ divisional ☐ continuation-in-part (CIP)

application under 37 CFR § 1.53(b) of pending prior application Serial No. 09/178,385 filed on October 23, 1998, which will issue as U.S. Patent No. 6,279,579 on August 28, 2001, by

**Majid Riaziat et al., entitled:**

**Apparatus And System For Positioning A Patient**

For CONTINUATION or DIVISION APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied, referenced above, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

CERTIFICATE OF MAILING  
(37 C.F.R. § 1.10)

**EL846342581US**

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as 'Express Mail Post Office To Addressee' in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

EL846342581US  
Express Mail Label No.

August 27, 2001  
Date of Deposit

Cindy McMorrow

Name of Person Mailing Paper

*Cindy McMorrow*

Signature of Person Mailing Paper

**I. APPLICATION ELEMENTS ENCLOSED**

18 Page(s) of Written Description  
5 Page(s) of Claims  
1 Page(s) of Abstract  
10 Sheet(s) of Drawings ☐ formal ☒ informal  
7 Sheet(s) of Drawings ☒ formal ☐ informal  
3 Page(s) of ☒ Declaration or ☐ Declaration and Power of Attorney  
☒ Copy from prior application [37 CFR §1.63(d)]  
☐ Newly executed

Other:

- ☐ Assignment papers (cover sheet and documents(s))  
☒ An Information Disclosure Statement, PTO 1449, ☐ with copies of cited items.  
☐ Request and Certification under 35 U.S.C. § 122(b)(2)(B)(i). Applicant must attach form PTO/SB/35

**II. FEE CALCULATION**

- ☐ Applicant claims small entity status under 37 CFR 1.27.

<b>BASIC FILING FEE:</b>							\$710.00
Total Claims	20	-	20	=	0	x \$18.00	\$0.00
Independent Claims	3	-	3	=	0	x \$80.00	\$0.00
Multiple Dependent Claims	\$270	(if applicable)				<input type="checkbox"/>	\$0.00
<b>TOTAL OF ABOVE CALCULATIONS</b>							\$710.00
Reduction by ½ for Filing by Small Entity.							<input type="checkbox"/> \$0.00
Misc. Filing Fees (Recordation of Assignment)							\$0.00
<b>TOTAL FEES DUE HEREWITH</b>							\$710.00

**III. PRIORITY - 35 USC § 119**

- ☐ Priority of application Serial No. \_\_\_\_\_ filed on \_\_\_\_\_ in Country is claimed under 35 USC § 119.  
☐ The certified copy has been filed in prior U.S. application Serial-No. \_\_\_\_\_ on \_\_\_\_\_.  
☐ The certified copy will follow.

**IV. AMENDMENTS**

- ☒ Cancel in this application original Claims 1-27 and 36-37 of the prior application before calculating the filing fee. (At least one original independent claim must be retained for filing purposes if no new claims are added in a preliminary amendment.)
- ☒ A Preliminary Amendment is enclosed. (Claims added by Amendment must be numbered consecutively beginning with the number next following the highest numbered original claim in the prior application.)

**V. RELATE BACK - 35 USC § 120**

- ☐ Relate back information included in preliminary amendment or specification.
- ☒ Please amend the specification as follows:

This application is a divisional application of Serial No. 09/178,385, filed October 23, 1998, which will issue as U.S. Patent No. 6,279,579 on August 28, 2001.

- ☒ With respect to the prior co-pending U.S. application from which this application claims benefit under 35 USC § 120, the inventor(s) in this application is (are) [37 CFR 1.53(b)(1)]:
  - ☒ the same.
  - ☐ less than those named in the prior application and it is requested that the following inventor(s) identified above for the prior application be deleted [see 37 CFR §§1.33(b) AND 1.63(d)(2)]:  
[Name(s) of inventor(s) to be deleted]

**VI. METHOD OF PAYMENT OF FEES**

- ☐ Attached is a check in the amount of \_\_\_\_\_.
- ☒ Charge Lyon & Lyon's Deposit Account No. 12-2475 in the amount of \$710.00.
- ☐ Not attached. No filing fee is submitted. [This and the surcharge required by 37 CFR § 1.16(e) can be paid subsequently.]

**VII. AUTHORIZATION TO CHARGE ADDITIONAL FEES**

The Commissioner is hereby authorized to credit Lyon & Lyon's Deposit Account No. 12-2475 for any over payment of fees and to charge the following additional fees by this paper and during the entire pendency of this application to Deposit Account No. 12-2475:

- ☒ 37 CFR § 1.16 (Filing fees and excess claims fees)
- ☒ 37 CFR § 1.17 (Application processing fees)
- ☐ 37 CFR § 1.21 (Assignment recordation fees)

**VIII. POWER OF ATTORNEY & CORRESPONDENCE ADDRESS**

- ☒ The power appears in the original papers in the prior application (copy enclosed).
- ☐ The power does not appear in the original papers, but was filed on \_\_\_\_\_ in prior application Serial No. \_\_\_\_\_.
- ☐ A new power has been executed and is attached.

Please send all correspondence to Customer Number 22249:



LYON & LYON LLP  
Suite 4700  
633 W. Fifth Street  
Los Angeles, CA 90071  
(408) 993-1555

Please direct all inquiries to Peter C. Mei, at the above Customer Number.

**IX. MAINTENANCE OF CO-PENDENCY OF PRIOR APPLICATION**

- ☐ A petition, fee and response has been filed to extend the term in the pending **prior** application until \_\_\_\_\_. A copy of the petition for extension of time in the **prior** application is attached.
- ☐ A conditional petition for extension of time is being filed in the pending **prior** application. A copy of the conditional petition for extension of time in the **prior** application is attached.

**X. ABANDONMENT OF PRIOR APPLICATION**

- ☐ Please abandon the prior application at a time while the prior application is pending or when the petition for extension of time or to revive in that application is granted and when this application is granted a filing date so as to make this application co-pending with said prior application. At the same time, please add the words "now abandoned" to the amendment of the specification set forth in Item V above.

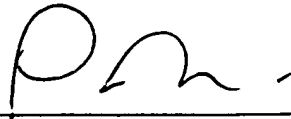
Respectfully submitted,

LYON & LYON LLP

Dated: \_\_\_\_\_

8-27-01

By: \_\_\_\_\_



Peter C. Mei  
Reg. No. 39,768